

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FONTAINE L. BAKER, SR.,

Plaintiff,

v.

Case No. 23-CV-1340

CHRIS BUESGEN, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff Fontaine L. Baker, Sr., who is representing himself, is proceeding on an Eighth Amendment claim in connection with allegations that Defendants were deliberately indifferent towards extremely cold temperatures and harmful fumes at the Stanley Correctional Institution between January 2022 and March 2022. Dkt. No. 23. Discovery closed April 28, 2025; and dispositive motions are currently due June 18, 2025. Dkt. Nos. 33 & 45.

On June 4, 2025, Plaintiff filed a motion for default judgment. Dkt. No. 47. Plaintiff states that Defendants improperly filed a motion for extension of the summary judgment deadline on May 27, 2025 “on the exact date the summary judgment motion was [previously] due.” *Id.* Plaintiff states that Defendants should have filed the motion sooner, that they are asking for “special treatment,” and that it was improper for them to assume that the Court would “automatically grant” the motion. *Id.*

A party filing a request for extension of time is not a basis for a default judgment. *See* Fed. R. Civ. P. 55. Additionally, the Court reviewed the motion for extension of time and found good cause to grant it. Although it is risky to request an extension of time on the due date of a deadline,

there is nothing inherently improper, malicious, or suspicious about it; and it is authorized by Federal Rule of Civil Procedure 6. Toward that end, if Plaintiff later needs an extension of time to *respond* to Defendants' motion for summary judgment, the Court will also grant that request (even if it is made on the response deadline). In other words, Defendants were not given "special treatment," and it is routine for the Court to allow a few extensions of time for both parties on or very close to their relevant deadlines. Accordingly, the Court will deny the motion for default judgment.

IT IS THEREFORE ORDERED that Plaintiff's motion for default judgment (Dkt. No. 47) is **DENIED**.

Dated in Milwaukee, Wisconsin this 17th day of June, 2025.



STEPHEN C. DRIES
United States Magistrate Judge